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Your ref : SCB/CDM/P71232GB00
Application No: GB0404571.2
Applicant : BioXell S.p.A.

Examiner : Dr Simon Grand
Tel : 01633 81 4964
Date of report : 19 July 2004

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Patents Act 1977

Examination Opinion

Non-patentable matter

Claims 1 and 2 and 4-10 (in part) would all appear to relate to a method of treatment of the human body by therapy and as such are not patentable under section 4(2). These claims have nonetheless been searched and claims 1 and 2 construed as first medical use claims.

Novelty or inventive step

1. Although the form of several of your claims are written in a non-patentable form, if claims 1 and 2 are treated as if they were worded as first medical use claims it appears that claims 1, 2, 4 and 7-10 at least of your application may not be new and/or have an inventive step in view of what is disclosed in the documents cited in the search report, which are only selected examples of vitamin D analogues used in therapy.

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Application No: GB0404571.2

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Claims searched: 1-10

Date of search: 16 July 2004

Patents Act 1977: Search Report under Section 17

Documents considered to be relevant:

Category	Relevant to claims	Identity of document and passage or figure of particular reference
X	1, 2, 4 and 7 at least	US 5612328 A (BAGGIOLINI et al.) See whole document especially examples
X	1, 2, 4 and 7 at least	US 5428029 A (DORAN et al.) See whole document especially examples
X	1, 2, 4 and 7, 8 and 10 at least	US 6017908 A (REDDY) See whole document especially examples.
X	1, 2, 4 and 7-10	US 5939408 A (BATCHO et al.) See whole document particularly examples.
X	1 and 2 at least	Anticancer Research, 2003, Vol.23(1A), Vegesna et al., pp.283-289 See whole document and CAS Abstract Acc. No. 2003:272952.
X	1, 2, 4, 7 and 10 at least	Journal of Leukocyte Biology, 1990, 47(6), Crowle et al., pp.545-550. See whole document and CAS Abstract Acc. No.1990:471416.
X	1 and 2 at least	EP 250755 A (SUNIMOTO PHARMA.) See whole document and CAS Abstract Acc. No. 1988:204888.
X	1 and 2 at least	US 6030962 A (MANCHAND et al.) See whole document particularly th examples.
X	1 and 2 at least	US 4927815 A (DELUCA et al.) See whole document.
X	1 and 2 at least	WO 01/40177 A (HOFFMAN LA ROCHE) See whole document.

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X	1 and 2 at least	CAS Abstract Acc. No.1953:63182 & Urologia, 1950, Vol.17, Biliotti, pp.501-510. See CAS Abstract
A	-	WO 94/00135 A (SHAPIRO) See whole document especially p.1 para. 1, p.8 para.4 and p.57 para.2.

Categories:

X	Document indicating lack of novelty or inventive step	A	Document indicating technological background and/or state of the art.
Y	Document indicating lack of inventive step if combined with one or more other documents of same category.	P	Document published on or after the declared priority date but before the filing date of this invention.
&	Member of the same patent family	E	Patent document published on or after, but with priority date earlier than, the filing date of this application.

Field of Search:

Search of GB, EP, WO & US patent documents classified in the following areas of the UKC^w :

A5B

Worldwide search of patent documents classified in the following areas of the IPC⁰⁷

A61K; A61P

The following online and other databases have been used in the preparation of this search report

ONLINE: EPODOC, WPI, JAPIO, CAS-ONLINE, MEDLINE, BIOSIS.

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